

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

IN RE: AMBER MARKS GREENE,
DUDLEY JEROME GREENE, JR.,

Case No. 11-30789-KRH
Chapter 13

Debtors.

ORDER TO SHOW CAUSE

On February 8, 2011, Amber Marks Greene and Dudley Jerome Greene, Jr. (each a “Debtor,” and collectively the “Debtors”) filed a voluntary petition under Chapter 13 of the Bankruptcy Code. Richard J. Oulton (“Oulton”) is counsel of record in the Debtors’ bankruptcy case. On February 25, 2016, the Chapter 13 Trustee, Suzanne E. Wade filed a report of completion of plan payments

On March 18, 2016, Oulton filed a motion on behalf of the Debtors captioned as a motion for waiver of the requirement for Dudley Greene to file a certificate of compliance with § 1328 of the Bankruptcy Code (the “Waiver Motion”). *See* Local Rule 4008-2. Despite the captioned request for relief, the Waiver Motion, asked for the entry of a hardship discharge in the Debtors’ case.

On April 6, 2016, the Court held a hearing on the Waiver Motion. Jason M. Krumbein (“Krumbein”) appeared at the hearing on behalf of Oulton and the Debtors. Upon inquiry from the Court, Krumbein explained that the Debtors were not asking for a hardship discharge but rather were seeking a waiver of the § 1328 certificate. In light of the Waiver Motion’s clear request for a hardship discharge, the Court asked Krumbein if he had read the Waiver Motion. Krumbein advised the Court that he had not. Krumbein further advised the Court that he did not

have a copy of his Waiver Motion with him. The Court instructed Krumbein to amend the Waiver Motion, obtain another hearing date, and send out new notice of the corrected motion.

On April 7, 2016, Oulton filed an amended § 1328 waiver motion (the “Amended Waiver Motion”). On May 4, 2016, the Court held a hearing on the Amended Waiver Motion. Krumbein again appeared on behalf of Oulton. Krumbein apologized to the Court for being unprepared at the April 6 hearing and for submitting such a poorly drafted and confusing motion. The Court granted the relief sought in the Amended Waiver Motion and asked Krumbein to submit a proposed order pursuant to Local Bankruptcy Rule 9022-1. Oulton later submitted a proposed order for the Court’s review (the “Proposed Order”).

The Proposed Order is unacceptable in form and substance. The Proposed Order makes reference to a hardship discharge and recites the test set forth in § 1328(b)(2). Moreover, the certificate of service erroneously indicates that the Proposed Order is for an “Order to Incur Debt.” The Proposed Order would have the Court waive the Debtor’s requirement to complete the post-petition personal financial management course when the Amended Waiver Motion acknowledged that the Debtors already completed this course on May 3, 2011. The Proposed Order appears to have been submitted to the Court without even the most rudimentary review.

In consideration whereof, it is

ORDERED that Richard Oulton and Jason Krumbein shall appear before the Court on **Wednesday, June 22, 2016 at 12:30 p.m.** in Judge Huennekens’ Courtroom, Room 5000, U.S. Courthouse, 701 East Broad Street, Richmond, VA 23219, and show cause why they should not be sanctioned for violating Federal Rule of Bankruptcy Procedure 9011; and it is

FURTHER ORDERED that Dudley Jerome Greene, Jr. be, and he hereby is, granted a waiver of the requirement to file a certificate of compliance with § 1328 of the Bankruptcy Code.

ENTERED: May 27 2016

/s/ Kevin R. Huennekens
UNITED STATES BANKRUPTCY JUDGE

Entered on Docket: May 31, 2016

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